IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO.274 OF 2004
IN
SUIT NO. 3461 OF 1994

Bank of India ..... Plaintiffs
vs.
Mangesh Enterprises and Ors...Defendatns
AND
Vinay Arun Upadhayaya and Anr...Respondents

Ms. Patrawala i/b. P.M. Mithi and Co. for the plaintiffs.
N. Parekh i/b. M. Hiralala and Co. for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 4TH APRIL, 2005.

P.C. :

1. The present chamber summons is taken out for carrying out amendment as per the schedule annexed thereto. The defendant no.2 has died and the legal heirs are to be brought on record. Learned counsel appearing for the defendant contends that the suit is abeted and therefore the chamber summons should be dismissed. In view of the judgment of the apex court in the case of Mithailal Dalsangar Singh and Ors vs. Annabai Devram Kini and Ors reported in AIR 2003 SCC 4244 the chamber summons is allowed. Amendment to be carried out within two weeks. Plaintiff to pay costs quantified at Rs.250/-.

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